IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 68 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

MAHENDRAKUMAR LALLUBHAI PATEL GUARDIAN OF MINOR NISARG M

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR CHETAN K PANDYA for Petitioner

MS P.J.DAWAVALA, ACGSC, for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 08/01/2001

ORAL JUDGEMENT

1. Heard Mr.Chetan K. Pandya, learned counsel appearing on behalf of the petitioner and Ms. P.J.Dawavala, learned Additional Central Government Standing Counsel for the respondent. RULE. Learned

counsel Ms. P.J.Dawavala for the respondent waives service of Rule.

2. The petitioner - minor Nisarg Mahendrakumar Patel through his father & natural guardian has filed this petition under Article 226 of the Constitution of India for correction of date of birth in the passport. It is submitted that while filing the application for Passport, the petitioner indicated his date of birth as 5.8.1987 but the respondent has recorded the date of birth of the petitioner as 12.8.1987 which is not as per the Birth Certificate issued by the Registrar and Health Officer, Surat Municipal Corporation. In Annexure-A, which is the passport issued by the respondent, the petitioner's date of birth is shown to be 12.8.1987. The learned counsel for the petitioner submitted that since incorrect entry is made in the passport, it is necessary to correct the date of birth in the passport.

3. Having regard to the certificate at Annexure-C, I am of the view that the date of birth of the petitioner is required to be corrected in the passport by the Regional Passport Officer. Accordingly, the petition is allowed. The respondent - Regional Passport Officer, Ahmedabad is directed to consider the petitioner's application to change the date of birth in accordance with the Birth Certificate issued by the Registrar and Health Officer, Surat Municipal Corporation, i.e. 5.8.1987. The petitioner is directed to submit an application afresh to the Regional Passport Officer, Ahmedabad alongwith the copy of the Birth Certificate and other documents as may be necessary by the Passport Officer, and on such application being filed, the respondent shall consider the same and make necessary corrections in the passport issued to the petitioner within a period of one month from the date of receipt of this order. Rule is made absolute to the aforesaid extent with no order as to costs. Direct Service is permitted.

Sd/-

08.01.2001 (D.H.Waghela, J.)

(KMG Thilake)